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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/722,840 | 11/25/2003 | T. Clare Huang | 42053.86USPT | 8196 |

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Shell Oil Company
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EXAMINER

MOORE, MARGARET G

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| ART UNIT | PAPER NUMBER |
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1712

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,840

Applicant(s)

HUANG ET AL.

Examiner

Margaret G. Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004 and 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 6, 8 to 22, 24 to 28 and 30 to 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 6, 8 to 22, 24 to 28 and 30 to 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Handwritten initials: JR

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 to 6, 8, 9, 12 to 15 and 20 are rejected under 35 USC 102(b) as being anticipated by Klayder et al.

This rejection relies on the rationale detailed in the previous office action and as such this will not be repeated.

Applicants' traversal of this rejection is not persuasive. They acknowledge that Klayder teaches a polyalkylene oxide modified polydimethylenesiloxane and state that this is different from a heptamethyltrisiloxane. The Examiner agrees. However the polyalkylene oxide modified polydimethylsiloxane in Klayder is not different from a polyether modified polydimethylsiloxane or an organommodified polysiloxane blend (the Examiner notes that the polyether modified siloxanes in Klayder are in fact blends, since their weight is given as an average). Thus applicants remarks fail to distinguish the claims from the prior art and this rejection is maintained.

3. Claims 16, 17, 21, 22, 24 to 28, 30, 31 and 35 to 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klayder et al.

This rejection relies on the rationale detailed in the previous office action and as such this will not be repeated.

Applicants apparently rely on the alleged novelty of claim 1 in an effort to overcome this rejection. Since each limitation in claim 1 is fully met by Klayder et al., this rejection is maintained.

4. Claims 1 to 6, 8 to 11 and 14 to 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrifield et al.

This rejection relies on the rationale detailed in the previous office action and as such this will not be repeated.

Applicants argue that a specific list of surfactants (consistent with that in previous claim 7) is now required in claim 1. The Examiner addressed the obviousness of claim

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7 in the previous office action. Again note the teachings on column 4, lines 35 to 38. Siloxane surfactants containing ethylene oxide and/or propylene oxide meet the claimed polyether modified polydimethylsiloxane or an organommodified polysiloxane blend. Since one having ordinary skill in the art would have been motivated to select such a siloxane surfactant, this renders the instant claims obvious.

5. Claims 1, 3 to 6, 8 to 10, 12, 14, 15, 18, 19, 22, 25 to 28, 30 to 34, 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Estes.

This rejection relies on the rationale detailed in the previous office action and as such this will not be repeated.

Applicants' traversal of this rejection is not persuasive. In fact, applicants' arguments are not consistent with the basis for the rejection. That is, with respect to claim 7 (which is now included in claim 1) the basis for the rejection was that the silicone in the microemulsion can be the same as the silicone wetting agent. Thus the silicone glycol polymers on column 2, lines 33 and 34, meet the requirements of both the polyether modified polydimethylsiloxane or organommodified polysiloxane blend wetting agent as well as the silicone in the microemulsion. There is nothing excluding a polyether modified polydimethylsiloxane or an organommodified polysiloxane blend from being in the silicone microemulsion.

Thus while the surfactants in Estes may not include a wetting agent as claimed, Estes teaches the addition of such compounds in the composition thereof, thereby meeting the instant claims.

6. Claims 11, 16, 17, 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes.

This rejection relies on the rationale detailed in the previous office action and as such this will not be repeated.

Applicants apparently rely on the alleged novelty of claim 1 in an effort to overcome this rejection. Since each limitation in claim 1 is fully met by Estes, this rejection is maintained.

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7. Claims 13 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes as applied to claims 1, 12, 22 and 34 above, and further in view of Zhou et al.

This rejection relies on the rationale detailed in the previous office action and as such this will not be repeated.

Applicants apparently rely on the alleged novelty of claim 1 in an effort to overcome this rejection. Since each limitation in claim 1 is fully met by Estes this rejection is maintained.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 571-272-1090. The examiner can normally be reached on Monday to Wednesday and Friday, 10am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Margaret G. Moore
Primary Examiner
Art Unit 1712

mgm
2/26/05